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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,756	03/16/2005	Nicola Caldoro	1-16767	8354
7590 Marshall & Melhorn Four SeaGate 8th Floor Toledo, OH 43604				
			EXAMINER WOLLSCHLAGER, JEFFREY MICHAEL	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 01/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,756

Applicant(s)

CALDORO ET AL.

Examiner

JEFFREY WOLLSCHLAGER

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

It is noted for the record that Examiner Wollschlager has assumed responsibility for this application from Examiner Dharod.

Response to Amendment

Applicant's amendment to the claims filed September 22, 2008 has been entered. Claim 1 is currently amended. Claims 11 and 12 have been canceled. Claim 4 remains withdrawn from further consideration. Claims 1-3, 5-10 and 13 are under examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornils et al. (JP 09123213).

Regarding claim 1, Cornils et al JP '213 teaches a process for molding an appendage on a glazing. As clearly illustrated in the figure 5, a mold is advanced into a sealing contact with a glazing on peripheral portion of a glass pane ([I] 17). Moreover, Cornils JP '213 further teaches injecting a molding material through an opening 23 into a cavity of the mold to form an appendage (12) on a lip (10) of the glazing (4), wherein the glass pane remains outside the mold cavity being in contact with the lip (numbered paragraphs 0001, 0007- 0009, 0013-0014; fig 5). The examiner notes that upper mold (20) of Cornils et al. is reasonably understood to meet the claimed mold limitation and further notes that mold (20) does not make contact with the pane of glass. As such, Cornils et al. still meet the scope of amended claim 1.

As per claim 3, since the molding material is injection molded, then it must inherently be in a fluid condition.

As per claim 5 see figure 1 and claim 1 in JP '213 for the discussion on forming a glazing onto a glass pane by extrusion. JP '213 also teaches that "up mold can be removed from a window pane with a core without spoiling a profile" (I[0009).

As per claim 6, see figures 4-5. Moreover, as noted earlier, the appendage is molded onto lip of the glazing.

As per claims 7 and 8, as illustrated in figure 4-5 and discussed in numbered paragraph 0009, the appendage in JP '213 forms an extension of the lip and provides lip with a vertex adjacent corner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornils et al. (JP 09123213), as applied to claims 1, 3 and 5-8.

As to claim 2, Cornils et al. teach the method of claim 1 as set forth above. Cornils et al. further teach that the pane of glass remains outside of the mold cavity even when it is closed (Figures 4 and 5). Further, Cornils et al. close the mold prior to introducing the polymer. However, the examiner submits that the sequence of performing process steps is *prima facie* obvious absent a showing of new or unexpected results.

Therefore it would have been *prima facie* obvious to one having ordinary skill in the art at the time of the claimed invention to have changed the sequence of the process steps set forth by Cornils et al. and to have introduced the polymer prior to closing the mold since the sequence of performing process steps is *prima facie* obvious absent a showing of new or unexpected results (MPEP 2144.04 IV C).

Allowable Subject Matter

The indicated allowability of claim 2 and previous claim 11 is withdrawn in view of the teaching of the Cornils et al. reference as set forth above.

Claims 9, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or fairly suggest a method of manufacturing a glazing including a mold that does not make contact with the pane of glass comprising first and second mold halves wherein a first surface of the glazing profile contacts the first mold half and faces away from the pane of glass, a second surface of the glazing profile makes contact with the

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second mold half and faces towards the pane of glass and wherein the second mold half is maintained at a lower temperature than the first mold half in combination with the other features instantly claimed

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY WOLLSCHLAGER whose telephone number is (571)272-8937. The examiner can normally be reached on Monday - Thursday 6:45 - 4:15, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Wollschlager/
Examiner, Art Unit 1791

January 29, 2009